

OLC/JMM
26 August 1969

S. 782

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: Provided, however, That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: Provided further, That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person, or of his forebears, when such inquiry is deemed necessary or advisable to determine suitability for

assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States....

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: Provided, however, That a civilian employee of the United States serving in the C.I.A., the N.S.A., or the F.B.I. may be accompanied only by a person of his choice who serves in the agency in which the employee serves or by counsel who has been approved by the agency for access to the information involved....

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
	UNCLASSIFIED	CONFIDENTIAL	SECRET
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	DD/S		
2	OGC - Mr. Houston		
3	OGC - Mr. Warner		
4			
5			
6			
	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks: <p style="text-align: center;">Please substitute the attached page for Section 6 of our 26 August 1969 version of proposed amendments to S. 782.</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
OLC 7D 42 			27 Aug 69
	UNCLASSIFIED	CONFIDENTIAL	SECRET

FORM NO.
1-67

237

Use previous editions

GPO : 1968 O - 287-542

(40)

STAT

S. 782

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency or of the Federal Bureau of Investigation from requesting civilian employees or applicants to submit to any interrogation or examination, or to take a polygraph test, or to take a psychological test, designed to elicit from them information concerning their personal relationships with any person connected with them by blood or marriage, or concerning their religious beliefs or practices, or concerning their attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of Central Intelligence or his designee or the Director of the National Security Agency or his designee or the Director of the Federal Bureau of Investigation or his designee makes a personal finding that such test or information is required to protect the national security.

S. 782

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency or of the Federal Bureau of Investigation from requesting civilian employees or applicants to submit to any interrogation or examination, or to take a polygraph test, or to take a psychological test, designed to elicit from them information concerning their personal relationships with any person connected with them by blood or marriage, or concerning their religious beliefs or practices, or concerning their attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee or the Director of the Federal Bureau of Investigation or his designee makes a personal finding that such test or information is required to protect the national security.

S. 782

SEC. 7. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: Provided, however, That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States District Court or in proceedings before the Board on Employee Rights: Provided further, however, That no civilian employee of the United States serving in the C. I. A. , the N. S. A. , or the F. B. I. , and no applicant for employment with those agencies, and no individual or organization acting in behalf of such employee or applicant, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency 120 days from the date of such complaint to prevent the threatened violation or to redress the actual

violation: Provided further, however, That the above period of 120 days may be extended if deemed necessary on a personal finding by the director of the agency involved: Provided further, however, That nothing in this Act shall be construed to affect any existing authority of the directors of the Central Intelligence Agency under 50 USC 403(c), the National Security Agency under 50 USC 833, and the Federal Bureau of Investigation under 28 USC 536 to terminate the employment of any employee: Provided further, however, That if an employee or applicant elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

S. 782

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the C. I. A. , the N. S. A. , or the F. B. I. to protect or withhold information pursuant to statute or executive order. The personal certification by the director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissible in evidence in any civil action under section 4, or in any proceeding or civil action under section 5.

SENDER WILL CHECK CLASSIFICATION

UNCLASSIFIED		CONFIDENTIAL		SECRET	
OFFICIAL ROUTING SLIP					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	Mr. Houston				
2					
3					
4					
5					
6					
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
Remarks: Attached is our latest (and I hope final) version of proposed amendments to S. 782. Dave Barnhill of the Subcommittee staff indicates that Senator Ervin will probably want to stick pretty closely to his earlier suggested amendments (copies of which I believe you have) but will want to receive our counter proposals soon after Labor Day. I therefore suggest that we give the attached close scrutiny before the end of the week to make sure we have no further thoughts.					
<div style="border: 1px solid black; width: 300px; height: 40px; margin: 0 auto;"></div> JOHN M. MAURY					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
Legislative Counsel 7D43				27 Aug. 1969	
UNCLASSIFIED		CONFIDENTIAL		SECRET	

FORM NO.
1-67

237

Use previous editions

GPO : 1968 O - 207-542

(40)

UNCLASSIFIED		CONFIDENTIAL		SECRET	
OFFICIAL ROUTING SLIP					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	Mr. Warner				
2					
3					
4					
5					
6					
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
<p>Remarks: Attached is our latest (and I hope final) version of proposed amendments to S. 782. Dave Barnhill of the Subcommittee staff indicates that Senator Ervin will probably want to stick pretty closely to his earlier suggested amendments (copies of which I believe you have) but will want to receive our counter proposals soon after Labor Day. I therefore suggest that we give the attached close scrutiny before the end of the week to make sure we have no further thoughts.</p>					
<div style="border: 1px solid black; width: 300px; height: 40px; margin: 0 auto;"></div> <p style="text-align: center;">JOHN M. MAURY</p>					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
Legislative Counsel 7D43				27 Aug. 1969	
UNCLASSIFIED		CONFIDENTIAL		SECRET	

FORM NO. 1-67

237

Use previous editions

GPO : 1968 O - 297-542

(40)

SENDER WILL PREPARE	UNCLASSIFIED	CONFIDENTIAL	SECRET
---------------------	--------------	--------------	--------

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	Mr. Bannerman		
2			
3			
4			
5			
6			

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks: Attached is our latest (and I hope final) version of proposed amendments to S. 782. Dave Barnhill of the Subcommittee staff indicates that Senator Ervin will probably want to stick pretty closely to his earlier suggested amendments (copies of which I believe you have) but will want to receive our counter proposals soon after Labor Day. I therefore suggest that we give the attached close scrutiny before the end of the week to make sure we have no further thoughts.

[Redacted Signature]

JOHN M. MAURY

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
Legislative Counsel 7D43 [Redacted]	27 August 1969
UNCLASSIFIED	CONFIDENTIAL
	SECRET

FORM NO. 1-67 237

Use previous editions

GPO : 1968 O - 207-542

(40)